



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

W. Simone Nicholson
Special Assistant Corporation Counsel
Office: (212) 356-2455

October 5, 2023

VIA ECF

The Honorable Katherine P. Failla
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *S.P. v. N.Y.C. Dep't of Educ., et al.*, 23-4801 (KPF)(SN)

Dear Judge Failla:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendants in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs, and expenses for legal work on administrative hearings under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* ("IDEA"), as well as for this action.

I write jointly with Plaintiff to request an adjournment *sine die* of the Initial Case Management conference ("IPC") currently scheduled for October 12, 2023, and the attendant submission of a Case Management Plan and Scheduling Order ("CMP") required by Your Honor's rules. Since this is an IDEA fees' only claim and neither liability nor discovery is at issue, a conference would be a waste of judicial resources. Defendants expect to be able to initiate settlement negotiations within the next few weeks and the parties expect this case will resolve through settlement and not require a conference or motion practice. This office has settled every fees-only case commenced by the Hyman firm in recent years without the need to burden the court with motion practice, and often without conferences, and expects this case to follow the same course.

Accordingly, the parties propose the submission of a status letter by November 6, 2023, providing a status update on the settlement negotiations and requesting referral to Magistrate Judge Netburn should the parties be at an impasse.

Thank you for considering this submission.

Respectfully submitted,

s/ 
W. Simone Nicholson

Special Assistant Corporation Counsel

cc: Nicolas Apter-Vidler, The Law Office of Elisa Hyman, *Counsel for Plaintiff* (via ECF)

Application GRANTED. The initial pre-trial conference currently scheduled for October 12, 2023, is hereby ADJOURNED *sine die*. The parties are directed to submit a joint status letter on or before **November 6, 2023**, regarding settlement negotiations and whether they wish to be referred to a magistrate judge.

The Clerk of Court is directed to terminate the motion at docket entry 18.

SO ORDERED.

Dated: October 6, 2023
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE